

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7755 of 2020

1. Mainuddin Ansari S/o Rahim Ansari Aged About 75 Years
R/o - Gamhariya, Police Chowki - Vijaynagar, Police Station
- Ramanujganj, District - Balrampur - Ramanujganj
Chhattisgarh.

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station -
Ramanujganj (Wrongly Written As Chalgali) District -
Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

MCRC No. 8346 of 2020

1. Manohar Pratap Singh, S/o Ram Singh, Aged About 44 Years
R/o Mitgai, Police Chowki Vijaynagar, Police Station
Ramanujganj, District Balrampur - Ramanujganj,
Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through - The Station House Officer,
Police Station Ramanujganj, District Balrampur -
Ramanujganj, Chhattisgarh.

---- Respondent

MCRC No. 8408 of 2020

1. Ishak Ansari, S/o Nanhu, Aged About 80 Years R/o - Village -
Vijay Nagar, Police Out Post - Vijaynagar.
2. Ramkhelavan Yadav S/o Chowa Yadav, Aged About 75 Years
R/o - Village - Gamhariya, Police Out Post - Vijaynagar.

3. Gulam Nabi S/o Jasmuddin, Aged About 70 Years R/o - Village - Mahaveerganj, Police Out Post - Vijaynagar,

Police Station - Ramanujganj, District - Balrampur - Ramanujganj Chhattisgarh.

---- Applicants

Versus

1. The State Of Chhattisgarh, Through Police Station - Ramanujganj, District - Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

MCRC No. 1563 of 2020

1. Smt. Mangari (Also Known As Sakina) W/o Late Md. Ali Aged About 75 Years R/o Vijaynagar , S.H.O. Vijaynagar , Police Station Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

1. The State Of Chhattisgarh Through S.H.O. Ramanujganj District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

MCRC No. 1590 of 2020

1. Umashankar Pandey S/o Shrinath Pandey Aged About 55 Years R/o Namnakala, Ambikapur, Police Station Ambikapur, District Surguja, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through- Choki, Vijaynagar, Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

MCRC No. 1686 of 2020

1. Jaan Mohammad S/o Kalam Aged About 80 Years R/o Vijaynagar, Police Chowki Vijaynagar , Police Station Ramanujganj , District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

1. The State Of Chhattisgarh Through Police Station Ramanujganj District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For respective
Applicants

Mr. A.K. Prasad, Mr. Manoj Paranjape and
Mr. Varunendra Mishra, Advocates

For Respondent /State

Mr. Ravish Verma, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

15/1/2021

1. Since all the bail applications (three 438 & three 439) are arising out of same crime number i.e. Cr.No.188/2020 they are being considered and decided by this common order.

MCRC Nos.1686, 1590 & 1563 of 2020

2. The applicants have preferred these bail applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.188/2020, registered at Police Station Ramanujganj, District Balrampur-Ramanujganj (CG), for offence punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.

MCRC Nos.7755, 8408 & 8346 of 2020

3. The applicants have preferred these bail applications under Section 439 of CrPC, as they are arrested in connection with crime No.188/2020 registered at Police Station Ramanujganj, District Balrampur-Ramanujganj (CG), for offence punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.
4. As per the prosecution case, nine (9) persons namely; (i) Mainuddin; (ii) Jaan Mohammad; (iii) Khelavan; (iv) Smt. Mangari; (v) Smt. Rasulan; (vi) Gulam Nabi; (vii) Yar Mohammad; (viii) Sagar; and (ix) Ishak in collusion with the staff and employees of the Revenue Department of District Balrampur-Ramanujganj prepared a fake revenue case No.11/A-6A/2007-08 and got entered their name in the revenue record as owner of the land whereas the subject land is Government land. The extent of total Government land subjected to fraud was about 1300 acres.
5. It is said that Peon-Manohar Pratap Singh (Applicant in MCRC No.8346 of 2020) and AG-III Umashankar Pandey (Applicant in MCRC No.1590 of 2020) concocted/ interpolated the revenue records of the year 1954-55 to demonstrate the subject individuals as owner of the land and thereafter an order was passed in the revenue case of 2007-08.
6. For applicant-Umashankar Pandey it is argued by Mr. Manoj Paranjape, learned counsel that during enquiry by the department he has been given clean chit in respect of allegation of concoction/interpolation of revenue records. He

would submit that he was not working in the capacity of Head Copyist, therefore, he has not issued certified copy of forged revenue case. He is otherwise a small paid class-III employee, aged about 55 years, therefore, he is entitled to be released on anticipatory bail.

7. For Peon-Manohar Pratap Singh it is argued by Mr. Varunedra Mishra, learned counsel that he is a class-IV employee, therefore, it is beyond imagination that he would prepare a false revenue case and the order which has been used for entering the name of the individuals in the revenue records. The applicant is in jail since 8-10-2020. Therefore, he is entitled to be released on regular bail.
8. For other persons in whose favour the lands have been entered in the revenue record, Mr. A.K. Prasad, learned counsel would argue that they are innocent and have been falsely implicated. The applicants for whom he is appearing are either septuagenarian or octogenarian. Therefore, they are entitled to be released on anticipatory/regular bail.
9. The clandestine conspiracy to grab the Government land to the extent of 1300 acres has been hatched in a planned manner. To achieve the same, firstly revenue record of the year 1954-55 was corrected; thereafter, a fake revenue revision case was prepared; fake order of making entry in the name of individuals were passed; and on that basis revenue records were corrected. Mainuddin applied for issuance of certified copy of the order. At this point of time, applicant-Umashankar Pandey was instrumental in getting the certified copy issued. If this offence is not treated with seriousness then the Government land at the hinterland would not be

saved. Even if the offence is triable by the JMFC, the Government property involved in the case is of hefty value, therefore, it is not such petty offence triable by the JMFC. Even otherwise, the offence under Section 467 of the IPC is punishable with imprisonment for life.

10. In view of the above, considering the gravity of the offence, this Court is not inclined to release the applicants either on anticipatory bail or on regular bail.
11. As a result, all the bail applications (three 438 & three 439) are rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri